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STATEMENT OF OVETA CULP HOBBY, SECRETARY OF
HEALTH, EDUCATION, AND WELFARE, BEFORE THE
SUBCOMMITTEE ON FLOOD CONTROL - RIVERS AND
HARBORS SENATE COMMITTEE ON PUBLIC WORKS IN
SUPPORT OF S. 890, APRIL 22, 1955, 10:00 A.M. EST

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
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SANITARY ENGINEERING
CINCINNATI, OHIO

STATEMENT

of

Oveta Culp Hobby

Secretary of Health, Education, and Welfare

Before the Subcommittee on Flood Control--Rivers and Harbors

Senate Committee on Public Works

In Support of S. 890

April 22, 1955

10:00 A.M. EST

Mr. Chairman and Members of the Committee:

We appreciate this opportunity to appear before your Committee to provide information on the proposals covered by S. 890, a bill to extend and strengthen the Water Pollution Control Act. The President, in his health message to Congress, urged that steps be taken to provide greater assistance to the States for water pollution control programs. He stated: "Intensified research in water pollution problems is needed as well as continuing authority for the Public Health Service to deal with these matters. The present Water Pollution Control Act expires on June 30, 1956. This termination date should be removed and the Act should be strengthened."

The objective of the bill, S. 890, is to protect the public health and welfare by the control of water pollution. The bill would continue the State-Federal cooperative program, and the policy underlying the present Act to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution.

The Water Pollution Problem

Just as water is essential to life, safe water is essential to health. Epidemics caused by pollution of water have plagued man throughout his history. Safeguarding domestic water supplies is fundamental in public health practice. In our way of life, two requirements--safe water

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16. Abstracts Information is provided in support of continuing the Water Pollution Control Act. The importance of water pollution control is emphasized, and a summary of advances in research, support to states and interstate agencies, and industrial cooperation is presented. The bill is designed to strengthen individual state programs and provide Federal authority in the case of interstate pollution. Water supply, recycling, and industrial and municipal pollution trends are considered, as well as development plans of watershed programs. The bill provides a basis for pollution prevention by establishing water quality standards as an engineering base for design of treatment works by municipalities.				
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and enough of it--are inseparable and indispensable to our health and well-being.

Water pollution is a growing problem because America is a growing nation. Demands for water are continually increasing. At the same time, greater quantities of wastes are entering our streams, often making them unfit for use. Pollution control--maintaining the usefulness of surface waters--is a health and conservation measure of high priority.

In earlier years--when population was smaller and mostly rural, and industrial production limited--there were few serious pollution problems. Water shortages were confined to the relatively dry areas. Since 1900, demands for water have been increasing in proportion to the unprecedented urban and industrial growth. This growth has likewise increased the amount and types of wastes discharged to streams. In turn these wastes have complicated the problems of water treatment and purification.

We must keep in mind that over 70 million people depend on surface streams for their drinking water. Excessive pollution is endangering the use of these streams as a source of public and industrial water supply. Also pollution seriously damages, and frequently destroys, fish and wildlife and adversely affects recreational and agricultural uses.

Present needs for water to support community living and industry amount to one-half million gallons of water per person per year. Already over wide areas we are experiencing serious shortages of usable water--in the Missouri and Ohio River valleys, along the northeastern seaboard, and in the southwest. As our economy expands, water shortages will become more severe. A major conservation effort will be required. Water pollution control has become an essential element of our national conservation program to meet these deficiencies. Treatment of sewage and waste to protect water quality makes

possible the re-use of water as streams flow from city to city and from State to State.

Federal Participation

Federal interest in water pollution dates back many decades. At various times since 1886, Congress has passed laws dealing with separate phases of the water pollution problem--navigation in the 1890's; public health in 1912; control of oil pollution in 1924; wildlife conservation in 1946. The bipartisan Water Pollution Control Act of 1948 was the first comprehensive type of legislation in this field. The Act gave to the Public Health Service new and expanded responsibilities.

The new Robert A. Taft Sanitary Engineering Center at Cincinnati, Ohio, evolved from the research laboratory established in 1913 under the authority of the Public Health Service Act of 1912. This Act provided for research and investigations on pollution of streams and lakes. Through the years, the Cincinnati station has contributed important findings--findings which have furnished much of the basis for pollution abatement methods now practiced by States, cities and industry.

Under the 1948 Act we have moved forward on several fronts, including research, support to States and interstate agencies, cooperation with industry, and attention to interstate pollution.

In addition to research at the Taft Center, our cooperative efforts with industry are doing much to clarify industrial waste problems. Particularly important contributions by industry have been made in the textile, citrus, paper and pulp, and metal plating fields. Work in progress at the Taft Center is pointing toward quicker, surer means of detecting and identifying polluting substances and determining their effects on health.

Other research projects are working toward more efficient and more economical pollution control methods.

Assistance to States has provided support in several areas where Federal participation is particularly helpful. Through grants, State programs were strengthened during the three years when grants were provided in the appropriations.

At the request of numerous States, and as provided in the present Act, a suggested State water pollution control law was developed jointly with the States and interstate agencies. This has been endorsed by the Council of State Governments as a means for improving the individual State programs as well as simplifying interstate mechanics. Using this document as a base, more than half the States have improved their pollution control legislation since 1948.

As part of the cooperative program with States, comprehensive pollution control plans have been developed for many of the nation's river basins. For example, in the Missouri River Basin, which comprises one-sixth of the land area of the United States, the ten States concerned have agreed upon a uniform pollution control plan and have outlined the sewage and industrial waste treatment works needed to protect the waters in that Basin.

The present Act directs that we encourage compacts between States for water pollution control. Where such compacts have been established, we have conducted our activities in close cooperation with them. Also assistance has been provided in connection with formation of several additional compacts or commissions which are at present under consideration by the States.

In collaboration with the States and interstate agencies, we have worked on more than 100 locations where interstate pollution is of consequence. In a number of instances, corrective action has already been taken by the

cities and industries involved.

Looking to the Future

Your Committee, Mr. Chairman, in its many reports on water pollution, has pointed out the complexity of the problem and has stressed the fact that there is no simple solution. Control of pollution must be approached in a practical manner. In determining the remedial measures that might be employed to control pollution, we must strike a balance which maintains quality of stream waters for desirable uses, and at the same time permits reasonable use of the streams for disposing of treated sewage and industrial waste.

There is a growing awareness of the national significance of water pollution. This awareness is reflected in newspapers and magazines and in the technical and industrial press. It is reflected also in statements and policies adopted by industrial groups and by citizens' organizations. Some of these statements have involved demands for drastic action, often prompted by critical local situations. Water pollution is serious, but we are confident that we can work out practical solutions through the strengthened program proposed in S. 890.

Before discussing the significant amendments of S. 890, I should like at this time to ask Mr. Mark D. Hollis, Chief Engineer of the Public Health Service, to portray the pollution problem and the program as it now operates.

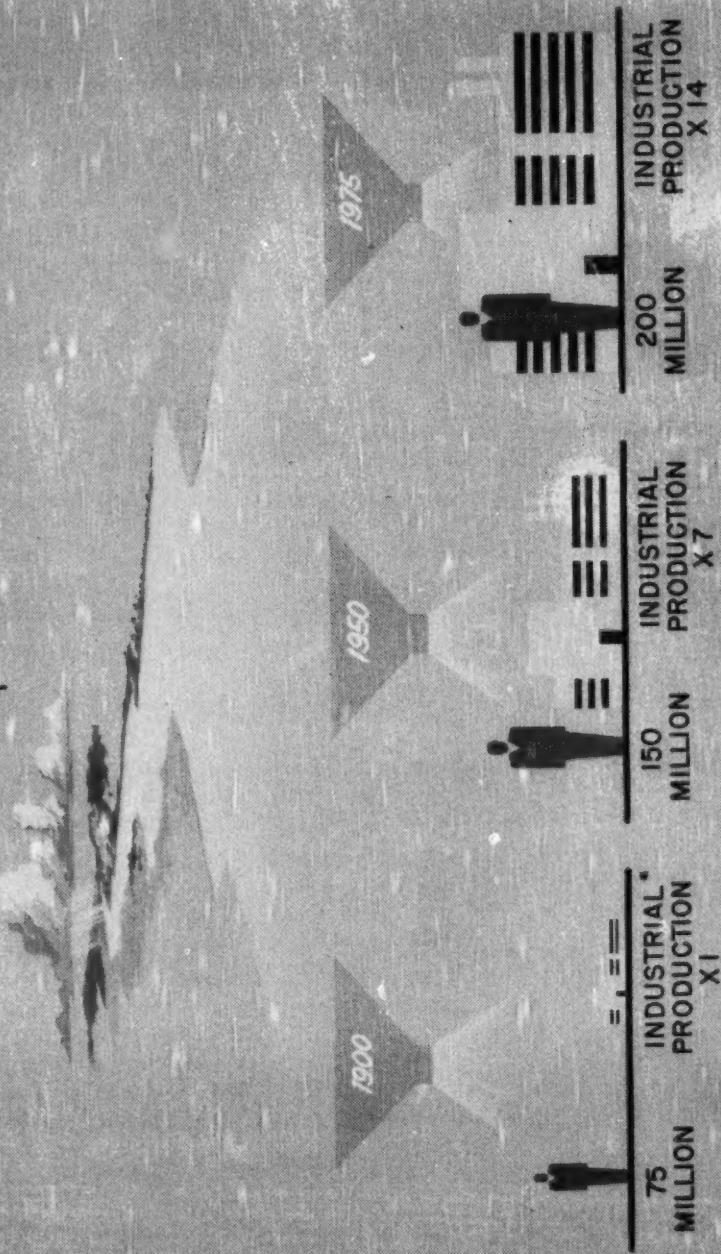
Mr. Hollis.

Chart 1 - The Nation's Water Supply is Constant

Averaged over the years, the Nation's water supply is constant, and this supply must support a growing population and industry. In 1900, of the 75 million people, 65 percent lived on farms. Industrial production was relatively small. By 1950, the population had doubled and shifted, with 65 percent living in cities. Industrial production had increased 700 percent. By 1975, population will be in the 200 million range, and industrial production will at least double the present output. By contrast, our supply of water to support this growth will remain essentially constant.

Serious water deficiencies can be offset in part by storage--impoundments to even out flows. But by and large the answer will be in treatment of waste water after use by the cities and industries so that the streams can be re-used over and over as they flow from city to city and from industry to industry.

THE NATION'S WATER SUPPLY IS CONSTANT *-but must support* | A GROWING POPULATION AN EXPANDING ECONOMY



* INDEX

Chart 2 - Water Re-use Cycle

In primitive, sparsely populated areas, the water use cycle is simple-- from stream to use and back again to stream. With increase in population densities, man has added water purification before use. This is an essential public health measure to control water-borne diseases. At this stage the cycle is from stream, through purification to use to stream.

Fortunately the natural streams themselves act to purify organic sewage and wastes--up to a certain limit. The purpose of sewage and waste treatment works is to keep the pollution loading within this limit. With the accelerating growth of cities and industries, much more attention must be given to sewage and waste treatment. These treatment works are quite expensive and the cost increases very sharply when the degree of treatment goes beyond 70 percent to 80 percent purification. Hence, from an economic standpoint we must keep in balance the extent of treatment with the essential water uses. In this manner we can use to the maximum the natural purification phenomena in streams.

Proper treatment of wastes not only protects public and industrial water supplies but preserves wildlife and recreational values, and other stream uses.

WATER RE-USE CYCLE

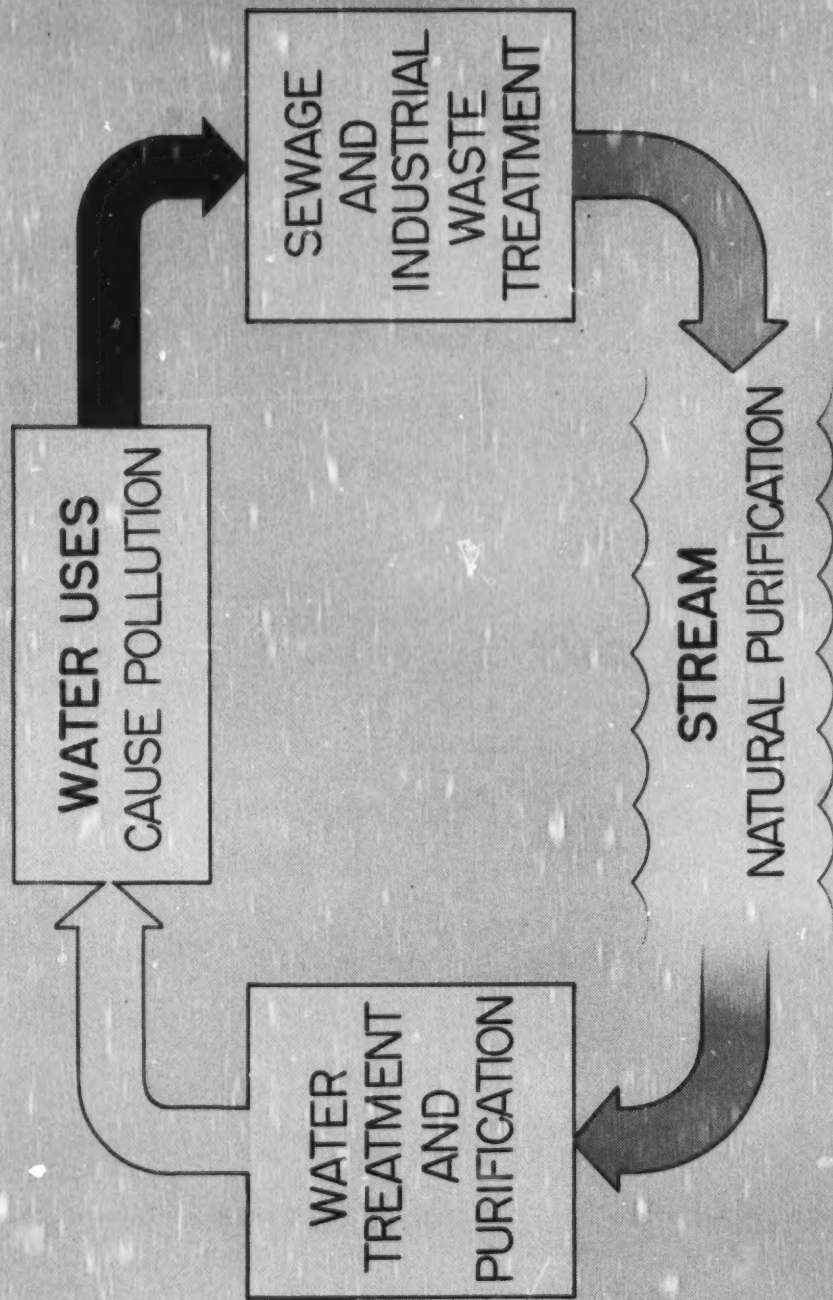


Chart 3 - Pollution Trends - Municipal

This chart shows trends in municipal pollution since 1920.

As of 1955 there is a 100 million sewered population in cities.

Of this total municipal pollution about half is removed through
sewage treatment -- the other half is discharged to streams.

Treatment is needed to reduce further the pollution discharged to
streams to a point where the streams can absorb the residual pollution
without seriously affecting water uses.

POLLUTION TRENDS - MUNICIPAL

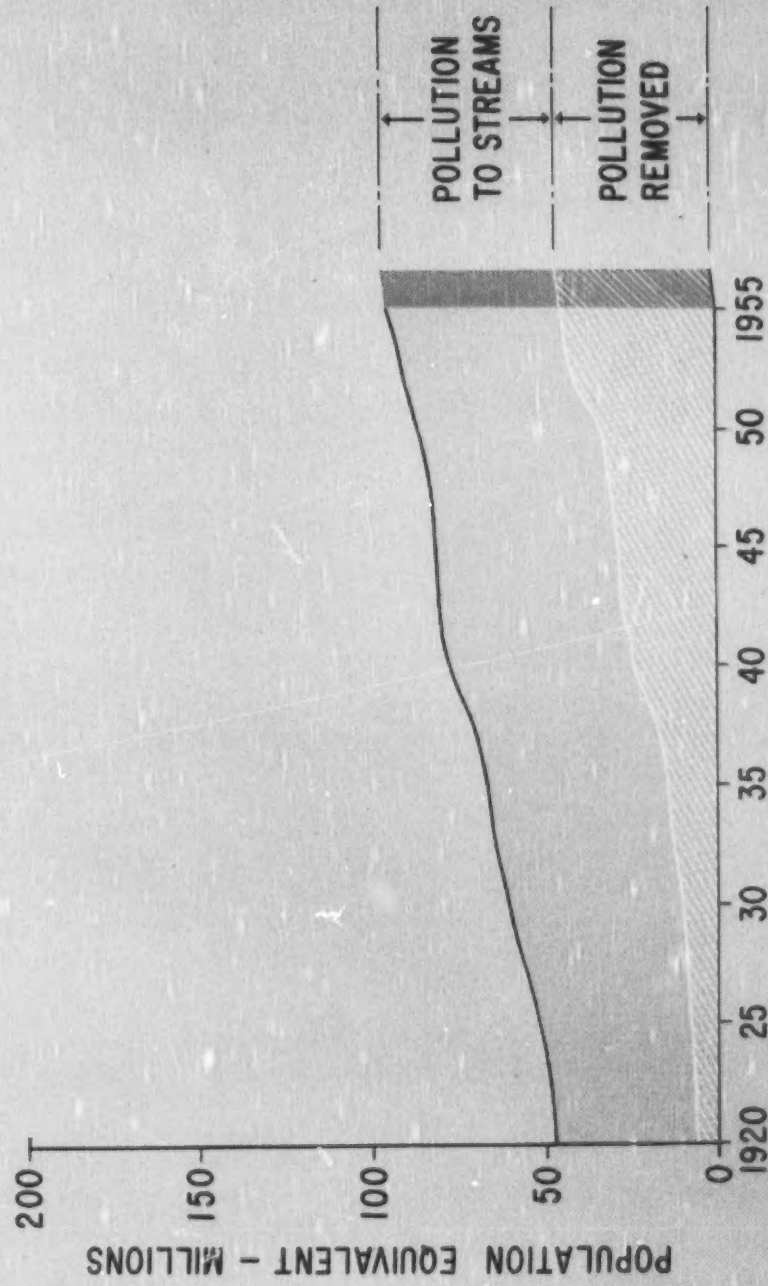


Chart 4 - Pollution Trends - Industrial

This chart shows industrial pollution trends since 1920.

The pollution trends reflect the unprecedented industrial expansion since 1940. However, since 1940, industry has done a remarkable job in reducing pollution reaching the streams. As an illustration, a recent survey of paper mills in the United States indicates that more than half of all mills provide some type of treatment prior to discharging wastes. This industry has spent more than 70 million dollars for waste treatment construction over the past ten years. As of 1955, of the total potential industrial waste load on streams, about 40% is removed by production adjustment or through industrial waste treatment. As in the case of municipalities, industrial waste pollution needs to be reduced to a point where the residual pollution reaching streams can be absorbed without adversely affecting downstream uses.

POLLUTION TRENDS - INDUSTRIAL

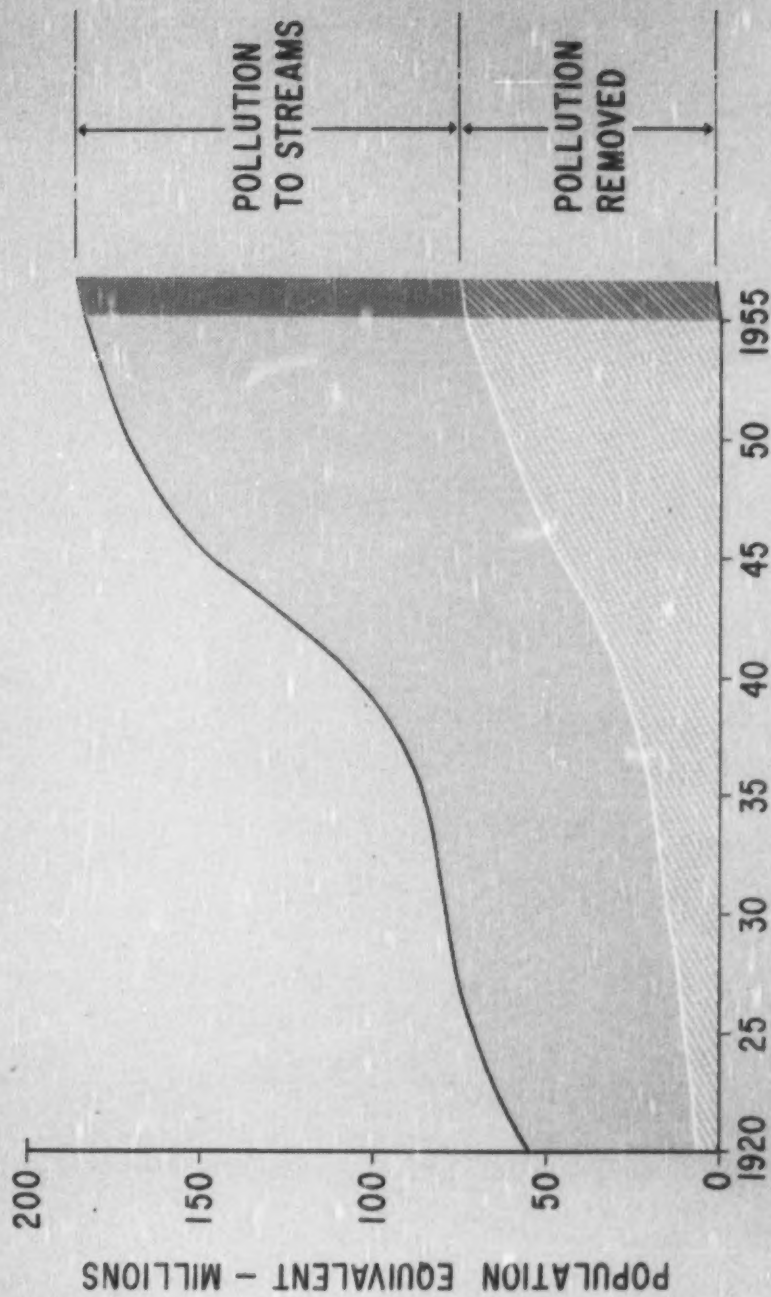


Chart 5 - Water Pollution Control Act, 1948

The Water Pollution Control Act of 1948 was the first Federal legislation providing for a comprehensive approach in this field. The Act specifically provides for:

1. Research with emphasis on the industrial waste. A great deal of research is needed in water pollution to furnish the basic knowledge which is so essential for States and cities to do their jobs. As pollution problems become more and more complex due to new types of waste compounds, the research needs become more significant.

2. Consulting services to State and interstate agencies. These services run the gamut of all types of problems. Generally the requests from States are for assistance on the more difficult technical problems-- problems that go beyond the ordinary needs and resources of the States.

3. Federal financial assistance to States and cities. The Act provides for several types of such aid; however, appropriations have been made only for program grants to States, and these only for three years.

4. Development by watersheds of comprehensive plans for pollution control.

5. Promotion of interstate cooperation.

6. Enforcement, applied to interstate pollution.

In addition, the Act provides for a Presidentially appointed Advisory Board, and, reflecting the importance of research, authority for construction at Cincinnati of a sanitary engineering research center.

Substantial progress has been made in each of these broad areas. By way of illustration I would like to comment on the watershed programs, interstate cooperation, and enforcement.

WATER POLLUTION CONTROL ACT - 1948
EXPIRES JUNE 30, 1956

Provides for

- RESEARCH
- CONSULTING SERVICES
- DEVELOPMENT OF WATERSHED PROGRAMS
- INTERSTATE COOPERATION
- FINANCIAL ASSISTANCE
- ENFORCEMENT

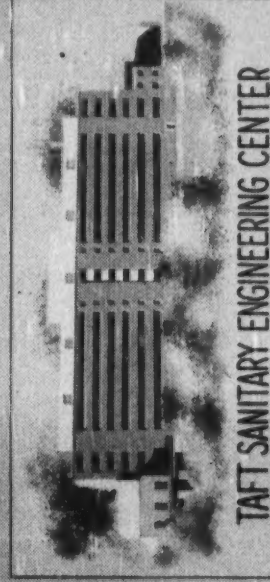
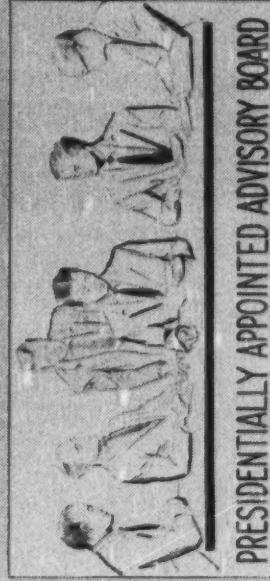


Chart 6 - Development of Watershed Programs

Priority consideration has been given to the important provision in the present Act relating to the development by watersheds of comprehensive plans for pollution abatement. The plans are developed jointly by the States, industry, and the Federal Government.

The essential first step in such planning is the collection, compilation, and evaluation of the basic facts on pollution sources as well as the stream hydrologic data. These source data include information on the location, volume and types, and known effects of pollution being discharged to streams. These data have now been collected for all the watersheds in the country, and are being kept current under a cooperative plan with the States. These data furnish the basis for specific determinations of desirable water uses, water quality standards, and waste treatment needs.

The shaded areas on the chart show where the comprehensive plans have now been formally adopted. These programs are not merely reports to be stowed away on a shelf. The problem today is to bring about the needed construction of waste treatment works called for in the plans.

WATERSHED PROGRAMS

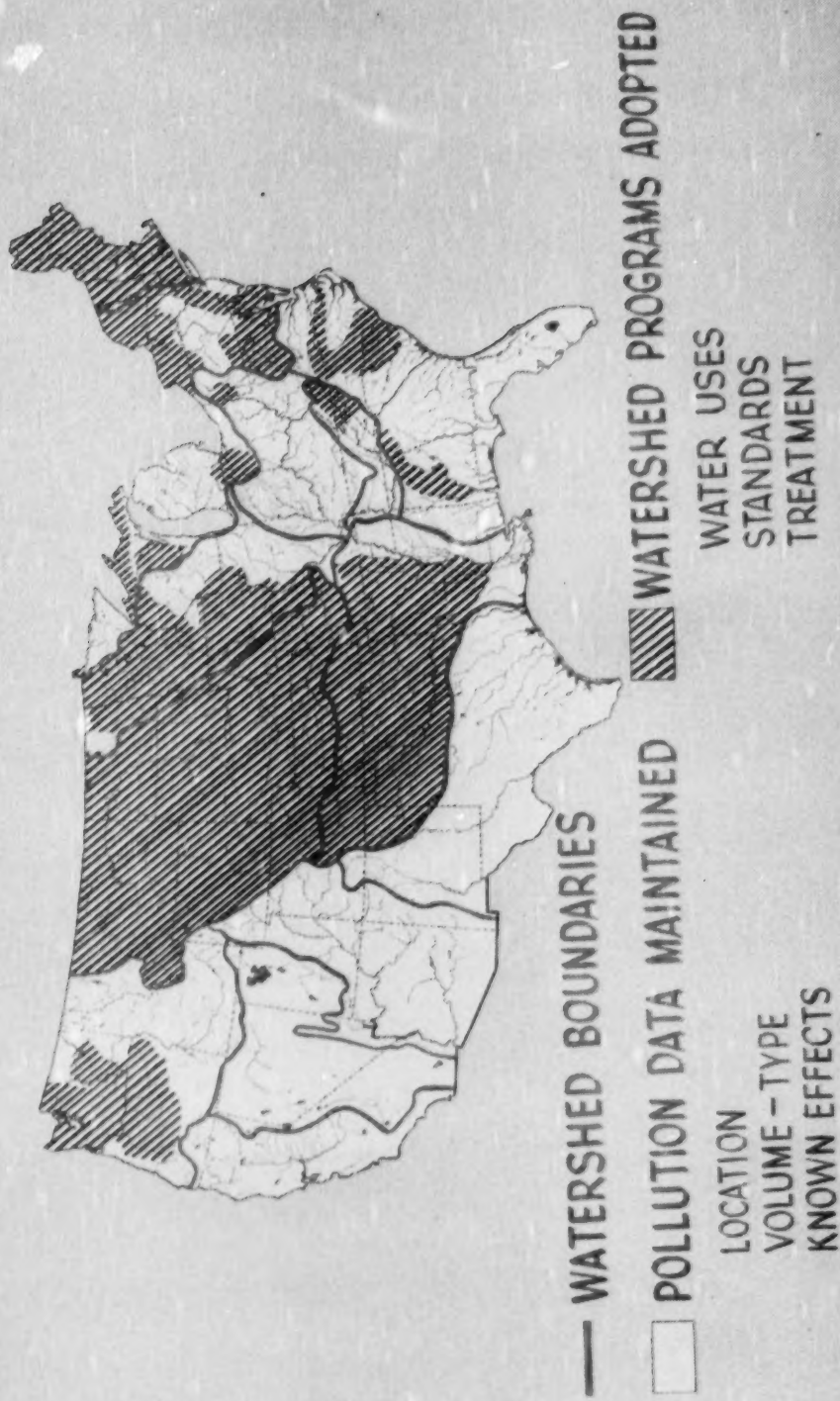


Chart 7 - Interstate Cooperation

The Act stresses the importance of interstate cooperation, and directs the Public Health Service to emphasize assistance toward this end. One means of attaining interstate cooperation is through development of formal interstate compacts, five of which are now in existence. Development of such compacts is a prolonged process requiring many years. For example, the Ohio River Compact was initiated in the early 1930's, but was not formally ratified by the eight participating States and approved by the Congress until 1948.

In areas where compacts do not exist the Public Health Service has sponsored the organization of regional councils composed of the chief engineers of the water pollution control agencies of the States involved. The councils meet periodically to work on basin problems of common interest such as water uses on interstate streams, water quality standards, waste treatment needs, and water supply development. The regional council has furnished an informal basis for interim collaboration on interstate problems, and at the same time serves also to demonstrate the feasibility of eventual formal compacts.

INTERSTATE COOPERATION

Thru Regional Councils



1 PACIFIC NORTHWEST

2 COLORADO

3 MISSOURI

4 RED RIVER (N)

5 UPPER MISSISSIPPI

6 GREAT LAKES

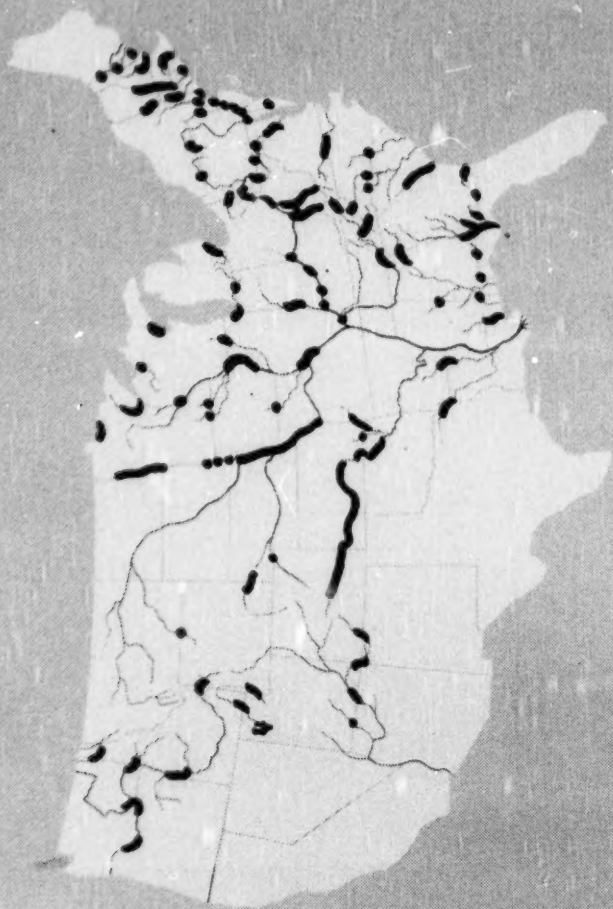
7 SOUTHERN

Chart 8 - Federal Enforcement - Interstate Waters

The present Act provides for limited Federal action on interstate pollution problems. The procedure is designed to assist States in instances where pollution, originating in one State, crosses State lines and affects the health and welfare of people in another State. The map shows some 108 known instances where interstate pollution occurs. Although to date we have not resorted to court action, the enforcement mechanics have materially helped in encouraging corrective measures short of court action.

The existing enforcement procedures are, however, cumbersome and excessively time consuming. Elaboration on this point will be discussed later under proposed amendments.

INTERSTATE POLLUTION PROBLEM AREAS



Statement by Secretary Hobby (continued)

In the years since the Water Pollution Control Act became law, substantial progress has been made in pollution abatement. For example, since 1948, American cities have spent more than a billion dollars for the construction of sewage treatment works. Industry has made great strides in the very costly and complex problem of abating industrial waste pollution. The Manufacturing Chemists Association has reported that the chemical industry alone is spending about \$40 million a year for air and water pollution research and corrective measures.

Despite these efforts, however, the water pollution problem is still formidable and, in a highly urbanized and industrialized society such as ours, it will be a continuing one.

Philosophy of the Bill

The philosophy upon which this bill is based has two major aspects.

First, the control of pollution within a State is the State's responsibility. Here the Federal role is to aid and help support the State effort. Because of the national importance of water resources, the Federal Government has an interest in seeing that these resources are not seriously damaged. For this reason, the Federal support has the objective of achieving effective programs in all the States.

Second, the control of interstate pollution is a joint Federal-State responsibility. Pollution crossing State lines presents difficulties which transcend the jurisdictions of the individual States. It is on such interstate problems that provision should be made for use of Federal authority if needed. Interstate compacts, whose development we are supporting, should be formed

to provide a permanent basis to give continuing attention to interstate pollution problems.

Our experience in working within this philosophy since 1948 has demonstrated that its basic principles are sound. Experience has, however, also indicated the desirability of certain modifications in the law, primarily with respect to procedures. These modifications relate to:

1. Broadening research authority.
2. Strengthening State programs.
3. Establishing standards for interstate pollution prevention.
4. Improving interstate pollution control.

Broadened Research Authority

There is an increasing need to broaden and intensify research on the changing pollution problem. We need to know more about the hazards and damages associated with bacterial, virus, and chemical pollution and the effects of radioactive waste materials. We must seek more effective and more economical methods of treating municipal sewage and the wastes from our many new industries. The proposals in this bill are designed to tap the research potential of universities and other non-Federal research centers, in addition to broadening the Federal program of research at our Robert A. Taft Sanitary Engineering Center in Cincinnati.

Specifically, the bill authorizes grants to universities and other research centers as a means of stimulating much-needed expansion of effort in this field. Authority would also be given for contract research to complement the program at the Taft Center. Under the bill, fellowships are provided as a means for attracting scarce research talents to work in this field.

Strengthened State Programs

S. 890 provides a means for attaining more effective and better balanced State programs. Under the present Act, the State program is limited in two respects: (1) the funds can be used only for studies and investigations of pollution problems caused by industrial wastes; and (2) there is an appropriation ceiling of \$1 million annually. S. 890 authorizes use of grant funds for municipal as well as industrial phases of State water pollution control activities. In addition, the bill authorizes an annual appropriation of \$2 million for these grants for the first two years, and thereafter such sums as may be determined through the annual appropriation procedure.

In the final analysis, pollution control is achieved through State action to bring about construction of needed treatment works. For this reason, it is essential that the States be adequately equipped to do the job. In recent years, the rapid increase and concentration of industry, and the continuing growth of urban areas, have thrust enormous pollution problems on many States. Considering their limited resources, the States are doing a remarkable job. Some States have expanded their programs to meet the growing problem. On the other hand, many State water pollution control agencies are inadequately supported. For example, in 32 States appropriations for water pollution control are less than \$50,000 annually; 23 of these States provide less than \$30,000 a year.

The inadequacy of the support of water pollution control activities is particularly significant in those States now on the threshold of large-scale

industrial expansion, with the attendant urban development. Heretofore, these States have not been confronted with major pollution problems and hence are not prepared for the difficult task ahead. The type of assistance which the bill would provide will be particularly important to these States.

Under amendments included in S. 890, the Federal grants would be provided on a matching basis--with the Federal share ranging from 1/3 to 2/3, depending upon per capita incomes of the States. This change from the existing law which contains no matching requirement should be particularly effective in stimulating the States to move ahead more rapidly on all phases of a balanced program. Experience in other grant programs has shown what matching grants can accomplish in encouraging States to do their own job.

Rounding out our assistance to State programs is the provision of expert consulting assistance on complex problems due to new types of pollution. Our central pool of consultants at the Taft Center is available to assist all the States on problems which, although they occur throughout the country, do not occur frequently in any one State.

Water Quality Standards

The correction of damaging pollution after it has built up is vastly more complex and costly than prevention of such build-ups. S. 890 would provide a basis for preventive action by authorizing the establishment of water quality standards, cooperatively with the States, at significant boundary locations on interstate streams.

While this would be a new provision in Federal legislation, it is by no means a new concept. Water quality standards have been utilized successfully

by individual States for streams within their boundaries, and in a few interstate situations.

Water quality standards would provide an engineering base for design of treatment works by municipalities and industries. Without some provision of this type, some industries and municipalities may be hesitant to invest large sums in establishing new plants or expansion of existing facilities because of apprehension about the ultimate costs of waste disposal requirements.

In general, the proposed standards would be established only where considered helpful by the States concerned. The standards would be based on present and future water uses, and in most cases would be prepared by States and interstate agencies. Adoption and publication of these standards by the Surgeon General will be based upon regulations developed cooperatively with States, interstate agencies, and others concerned. This cooperative effort should serve to strengthen existing interstate agencies as well as to assist in the development of new interstate compacts where they are needed.

Although the bill declares the violation of duly established standards to be a public nuisance, the use of water quality standards is proposed primarily as a preventive mechanism rather than as an enforcement device. In case of violation, the State adversely affected must certify that the water quality is reduced below that necessary for its present or future use before any corrective action may be taken. Thereby the existing principle of joint Federal-State responsibility for interstate pollution control is perpetuated.

There are two amendments of a clarifying nature which we should like to suggest for the Committee's consideration in connection with this portion of the bill. First, the present language of the bill would appear to require that the Surgeon General in each case prepare or adopt the water quality standards. We should like to make it clear that the Surgeon General is authorized, and not required, to do this. Second, the portion of the bill which provides that the Surgeon General shall base the water quality standards on regulations should be amended to eliminate any discretion on his part as to whether he will consult with the State water pollution control, interstate, and Federal agencies concerned, thereby making it clear that such consultation is to occur in all cases.

Improved Control of Interstate Pollution

Another major modification proposed in S. 890 is also designed to improve control of interstate pollution.

Most of our major streams are interstate in character. Under the present Act, Federal authority may be invoked when pollution arising in one State has been shown to damage the health or welfare of persons in another State. Even when this condition exists, the present procedure attempts to effect remedial measures through cooperative State action. This Committee stated, in its report on the 1948 Act, that Federal enforcement was to be exercised only after the efforts of the States had been exhausted..

The proposed modifications are designed to simplify the enforcement process for greater effectiveness and economy. In the simplification, a significant change is the proposed deletion of the requirement that the State in which the pollution originates consent to the final court action. Even though we anticipate court action would be utilized in only a few instances, the existence of the power on the part of the State in which the pollution originates to veto initiation of court action greatly reduces the potential effectiveness of this provision for correcting interstate pollution. Under the proposed procedure, most cases of interstate pollution will be worked out cooperatively with the States concerned short of court action. However, as a matter of principle, it is unfair to the people in States adversely affected to permit the State contributing the pollution to retain a veto power.

Federal Construction Aid Deleted

The proposed bill deletes the provision for financial aid to municipalities for the construction of sewage treatment works. In the present Act the construction aid provisions were restricted in amounts and thus far have never been implemented by appropriations. State pollution control authorities have informed us that the existence of authorization for financial aid, without appropriations, has actually been a deterrent to construction of treatment works by municipalities.

On this phase of the problem, we have consulted with authorities on finance as well as with representatives of municipal and State governments and national associations. We have found no conclusive evidence of real

financial need on the part of either cities or industries, under present economic conditions.

At this point I should like to have Mr. Hollis show some charts to illustrate these modifications.

Mr. Hollis.

Chart 9 - Legislative Recommendation

The legislative recommendations propose extension of the Act to provide a continuing legislative base for Federal water pollution control activities. The basic principles of the Act with respect to supporting the States are retained. These principles have proven workable, they are fully accepted by the States, and they represent the minimal Federal effort which is reasonably sufficient to meet the needs.

We do, however, suggest several modifications which we believe will improve the Act. The major modifications are to:

1. Broaden research authority.
2. Strengthen State programs through matching grants and broadened technical assistance.
3. Simplify enforcement actions with respect to both correction and prevention of interstate pollution.

I should like to take a moment to comment briefly on each of these three modifications.

LEGISLATIVE RECOMMENDATION

A. EXTENSION OF ACT

B. STRENGTHENING OF ACT

1 Broaden research authority

2 Strengthen state programs

Matching grants

Technical assistance

3 Improve interstate pollution control

Prevention: water quality standards

Enforcement: simplified procedure

Chart 10 - Broaden Research Authority

The bill proposes to broaden the research authority of the Public Health Service in order to use more effectively the Nation's research potential in the field of water pollution control. This would be done in two ways: through provision of contract authority, and through research grants, specifically in water pollution.

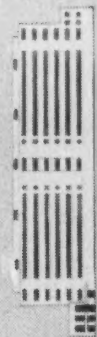
As regards the research grants mechanism, its value has been already clearly demonstrated in other fields. Experience has shown that such grants, by encouraging institutions to undertake research in this field, lead invariably to expanded efforts financed by various sources.

The purpose of the proposed contract research is to complement the work of the Taft Center, by assignment of projects to selected institutions having special staff competence in the research areas involved.

One example of the kind of research needed in water pollution is in the field of synthetic chemicals. The byproduct wastes from the manufacture and use of these chemicals are generally very complex organics. These compounds--now numbering more than half a million--are not only new, their behavior and effect on streams and on water uses are significantly different from natural organic substances. For example, conventional sewage and waste treatment processes were developed to handle the natural organic materials, and are based on the use of natural biological stabilization phenomena. This conventional treatment is largely unable to break down and inactivate the newer compounds. The research attack on the new wastes, from the standpoint of using biological processes, may involve two approaches: (1) developing specific organisms adapted to breaking down this type of product, or

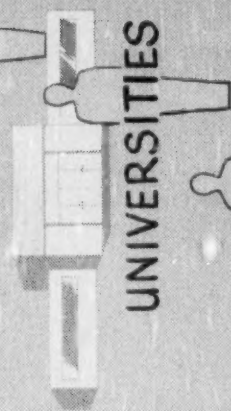
1 BROADEN RESEARCH AUTHORITY

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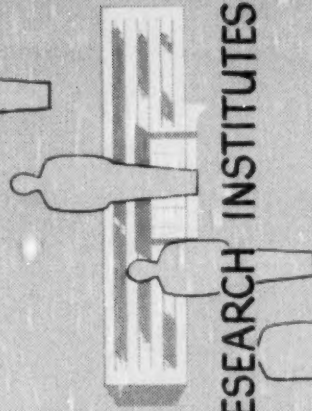


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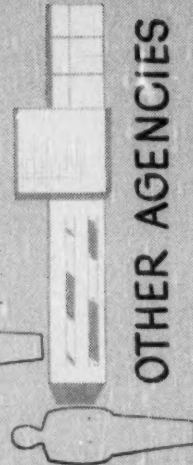
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CONTRACT
AUTHORITY



UNIVERSITIES



RESEARCH INSTITUTES



OTHER AGENCIES

Chart 10 - Broaden Research Authority (Continued)

(2) modifying the nature of the wastes by chemical treatment at the plant, prior to release, thus rendering the materials susceptible to treatment by known processes.

The research problem for any particular new waste thus involves many facets. For example, the Taft Center may be working on the development of organisms which can alter this material and remove its deleterious effects. In doing this, we might well contract out a segment of the problem to individuals with special competence in the specific microbiology involved. At the same time, through research grants, one or more universities may be studying the effects of the material on stream phenomena, and on the health of individuals consuming the water, in order to determine safe tolerance levels. These three research efforts combine to furnish the information needed for practical control operations by the States.

Chart 11 - Strengthen State Programs

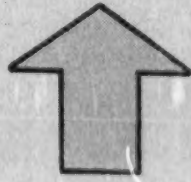
The success of the national pollution control effort depends primarily on the States. Only through strong State programs can we prevent further deterioration of the nation's streams.

In addition to our research activities, Federal support is designed to strengthen State programs through program grants and technical consultation. The State programs themselves involve a number of complementing activities. Significant activities include technical surveys, determining water uses and quality, program planning, regulatory action, public relations, and coordination with other construction programs. These jobs well done should result in the needed construction and other abatement measures.

2 STRENGTHEN STATE PROGRAMS

FEDERAL ASSISTANCE

- SUPPORT GRANTS (MATCHING)
- TECHNICAL CONSULTATION



STATE PROGRAMS

- Technical surveys
- Agreement on water uses & quality
- Program planning
- Regulatory actions
- Public understanding
- Coordination with other conservation programs



CONSTRUCTION OF NEEDED WORKS

Chart 12 - Improved Interstate Pollution Control--Prevention

Under the present Act Federal enforcement is limited to "corrective" actions. In other words before the Federal Government becomes involved, in any formal way, a situation must be shown to exist where excessive pollution from one State flows across a State line and affects the health and welfare of people in another State.

The modification in S. 890 introduces the concept of "prevention" through the establishment of water quality standards at State lines. In actual practice such standards would be established where needed and desired by the States concerned. The standards would be established through joint State action, with Federal action only if States fail to agree and in such cases under regulations developed cooperatively with the States.

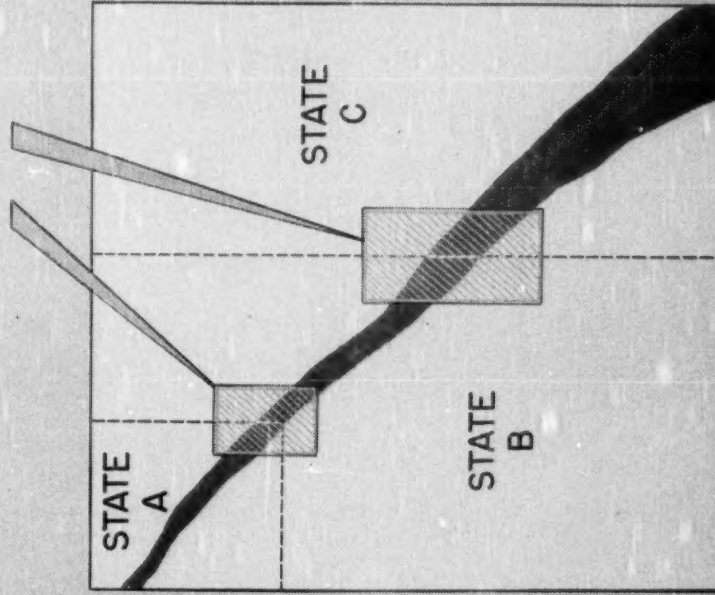
Since water quality requirements relate to stream uses, obviously the standard would have to be suitably tailored for the particular circumstance in each case. Also the standards will have to be adjusted from time to time in meeting changing conditions.

We would propose the use of such standards only at significant locations and primarily as a preventive measure. Perhaps their greatest usefulness would be in river basins, such as the Missouri, where large-scale water resource developments are under way and where the major streams are as yet not grossly polluted. Development of these water resource potentials may result in comparable population and industrial build-ups. It would be unfortunate not to make every reasonable effort to prevent excessive pollution in such areas.

3 IMPROVE INTERSTATE POLLUTION CONTROL

PREVENTION: WATER QUALITY STANDARDS

WHERE NEEDED



through-

☐ JOINT STATE ACTION

☐ FEDERAL ASSISTANCE
ON REQUEST OF STATES

UNDER REGULATIONS
DEVELOPED COOPERATIVELY
WITH STATES

Chart 13 - Improved Interstate Pollution Control--Simplified Enforcement Procedure

The provision for Federal enforcement action on problems of interstate pollution has a much greater potential than merely taking cases to court. In fact most problems of interstate pollution can be worked out without taking any formal action at the Federal level.

Modifications proposed in S. 890 are directed toward strengthening the position of the States and giving full recognition to the views of alleged violators prior to a formal finding of pollution. Under the provisions of the present Act, the finding that excessive interstate pollution is occurring is made by the Surgeon General, based on technical and legal evidence obtained primarily by the Federal Government through extensive surveys and investigations. Under the proposed bill, such a finding of pollution would be made by a hearing board. It would be based on technical and legal evidence presented at the hearing by all parties concerned. The State in which the alleged pollution originates would be represented on the hearing board, which would also have other public members. Less than a majority of the board members would be officers or employees of the Department of Health, Education, and Welfare. Following the finding of a public nuisance, the board would make recommendations to the Secretary of the Department. The proposed modification would provide more flexible means of working out corrective measures short of court action.

The procedures required under the present Act, after the Surgeon General's finding of pollution, include first and second notices to the offender, with opportunity for compliance after each, a public hearing during which evidence is taken, recommendations to the Secretary by the board,

IMPROVE INTERSTATE POLLUTION CONTROL SIMPLIFIED ENFORCEMENT PROCEDURE

PRESENT

EVIDENCE
FINDINGS (DHEW) (SURG. GENERAL)
1ST NOTICE *
2ND NOTICE *
HEARING (COMPLIANCE)
COURT ACTION (STATE CONSENT)

PROPOSED

EVIDENCE
NOTIFICATION
HEARING (FURTHER EVIDENCE)
FINDING (HEARING BOARD)
NOTICE *
COURT ACTION

Chart 13 - Improved Interstate Pollution Control--Simplified Enforcement Procedure (Continued)

notification to the respondent of these recommendations, and opportunity to comply. If no action is then taken, the Secretary may request the Attorney General to initiate court action, provided however, that such request cannot be made without first obtaining the consent of the State in which the pollution originates.

Under S. 890, following the hearing board's finding and recommendations to the Secretary, the respondent would be notified of the recommendations and given an opportunity to comply. If no action is taken within a reasonable time, the Secretary may request the Attorney General to initiate court action.

The proposed bill provides for the participation of Federal agencies, State authorities, and local citizens in determining the existence of interstate pollution. It provides an early opportunity to persons discharging wastes to present their views before a finding is made. The provisions maintain the principle of State responsibility for control of pollution and provide for an equitable, practical, and simplified procedure, with resulting Federal economies in carrying out the enforcement function.

Statement by Secretary Hobby (Continued)

III. Conclusions and Recommendations

In addition to the modifications which have been mentioned, changes are proposed to reflect Reorganization Plans No. 16 of 1950 and No. 1 of 1953. The Water Pollution Control Advisory Board is continued, with additional membership, both Federal and non-Federal, and with changes in terms of office for the non-Federal members.

Mr. Chairman, we believe that this bill would improve the administration and the effectiveness of the national water pollution control program. The bill is designed to continue the close Federal-State-city-industry partnership approach to the conservation of our water resources through water pollution control.

We therefore recommend favorable consideration of S. 890 by your Committee.